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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation,

Plaintiff,

vs.

WILLIAMS BROTHER, INC., a Nevada
corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation;
MICHAEL WILLIAMS, an individual;
JOSIE WILLIAMS, an individual;
ASHLEY WILLIAMS, an individual;
MARIA WILLIAMS, an individual;
MARK GUBLER, an individual; DAWNA
GUBLER, an individual; DARIN
GUBLER, an individual; and KAREN
GUBLER, an individual; BRENDA
COMPTON PEEK, an individual;
MICHAEL L. PEEK, an individual; ECCL
HOLDINGS, LLC, a Nevada limited
liability company; BLC NEVADA TRUST
DATED APRIL 20, 2006, a Nevada Trust,

Defendants.

Case No.: 2:12-CV-00058-LDG -NJK

ORDER

1 WILLIAMS BROTHER, INC., a Nevada
2 corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation,

3 Counterclaimants,

4 vs.

5 TRAVELERS CASUALTY AND SURETY
6 COMPANY OF AMERICA, a Connecticut
corporation,

7 Counterdefendant.
8

9 The Court, having reviewed Travelers Casualty and Surety Company of America's
10 Motion for Order Disregarding Sham Corporate Form, For Release of Funds Held in The
11 Court's Registry to Travelers, and to Allow Direct Levy on Assets-CP Enterprises, LLC,
12 [Dkt. 459], and having reviewed the supporting declaration and evidence, and the Court
13 having received no response from Judgment Debtor BLC Nevada Trust or any other
14 Defendant or Judgment Debtor, and good cause appearing,

15 THE COURT FINDS as follows:

16 1. Judgment Debtor BLC Nevada Trust owns alleged entity CP Enterprises,
17 LLC, a Nevada limited liability company.

18 2. Defendants Michael and Brenda Peek are Trustees of the BLC Nevada Trust.

19 3. Judgment Debtor BLC Nevada Trust, and Defendants Michael and Brenda
20 Peek, each have notice of Travelers pending motion.

21 4. CP Enterprises was formed on May 16, 2006. Until February 14, 2014,
22 Defendant Brenda Peek and her step daughter, Leslie Jay, were the managing members of
23 CP Enterprises.

24 5. Defendant Brenda Peek was unaware of the existence of CP Enterprises, and
25 her job as manager of the entity, during her entire tenure as manager.

26 6. Mrs. Jay was not aware of why CP Enterprises was formed, whether it ever
27 transacted any business, what assets, if any, the company had, or why she was made the
28 manager of CP Enterprises.

1 7. Neither Mrs. Peek nor Mrs. Jay ever had a conversation about the
2 management of CP Enterprises.

3 8. Evidence presented has shown that CP Enterprises is a sham entity that is not
4 entitled to any protection of the LLC form.

5 9. The real property at Lots 432 and 433, Swains Creek Pines Unit #3, Kane
6 County, Utah it titled in the name of CP Enterprises, LLC, which is a sham entity

7 For the reasons set forth above,


8 IT IS HEREBY ORDERED AND ADJUDGED that CP Enterprises, LLC's corporate
9 form is illegitimate and entitled to no recognition.

10 IT IS FURTHER ORDERED that the \$74,949.41 currently held in the Court's registry,
11 which the Court took custody of after Defendants willfully violated the Court's preliminary
12 injunction freezing assets by selling certain real property shall be released to Travelers in
13 partial satisfaction of Traveler's judgment against Judgment Debtor BLC Nevada Trust.

14 IT IS FURTHER ORDERED that, because CP Enterprises, LLC's corporate form is
15 not entitled to recognition, Travelers is entitled to seize or levy directly upon the real
16 property at Lots 432 and 433, Swains Creek Pines Unit #3, Cane County, Utah, in
17 accordance with the procedures of the laws of the State of Utah, because the Court
18 determines that said ownership of said properties to be held by Judgment Debtor BLC
19 Nevada Trust, upon the Order of a Court of competent jurisdiction.

20 IT IS FURTHER ORDERED that net proceeds of such levy and sale shall be applied
21 by Travelers in partial satisfaction of Travelers judgment against Judgment Debtor BLC
22 Nevada Trust.

23 DATED: 9 June 2015

24 
25 _____
26 U.S. District Court Judge
27 District of Nevada
28 Lloyd D. George